



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 6827-99
14 January 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CWO-3 [REDACTED] USMC [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Nov 99 w/attachments
(2) Subject's ltr dtd 10 Dec 99 w/attachments
(3) HQMC MMOA-4 memo dtd 22 Dec 99
(4) HQMC MMPR memo dtd 7 Jan 00
(5) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing his failure before the Fiscal Year 1999 Chief Warrant Officer-3 (CWO-3) Selection Board. He further requested that his naval record be corrected to show the lineal position, date of rank, and effective date in the grade of CWO-3 he would have been assigned had he been selected for promotion to that grade by the FY 1999 CWO-3 Selection Board, vice the FY 2000 CWO-3 Selection Board. He specifically requested a date of rank and effective date of 1 August 1999.

2. The Board, consisting of Messrs. Lightle, McCulloch, and Tew, reviewed Petitioner's allegations of error and injustice on 13 January 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. As a result of administrative error, the FY 1999 CWO-3 Selection Board did not consider a promotion photograph Petitioner had submitted. For this reason, he requested a special selection board, which was approved by the Secretary of the Navy. However, before he could be considered by the special selection board, he was selected by the FY 2000

CWO-3 Selection Board. He was promoted to CWO-3 with a date of rank and effective date of 1 November 1999.

b. By letter at enclosure (2), Petitioner requested expedited handling of his case because he has applied for the FY 2001 Limited Duty Officer Selection Board, which is scheduled to convene on 22 February 2000.

c. In correspondence attached as enclosure (3), the Headquarters Marine Corps (HQMC) Officer Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (4), the HQMC Promotion Branch (MMPR) has commented to the effect that had Petitioner been selected by the FY 1999 CWO-3 Selection Board, he would have received a date rank and effective date of 1 August 1999.

CONCLUSION:


Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (3) and (4), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

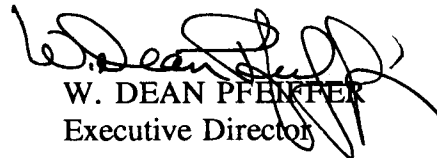
- a. That Petitioner's failure by the FY 1999 CWO-3 Selection Board be removed.
- b. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO-3 as 1 August 1999; and that his lineal precedence be adjusted accordingly.
- c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

6827-99

IN REPLY REFER TO:

1600
MMOA-4
22 Dec 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR CHIEF WARRANT OFFICER [REDACTED]
4 [REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Chief Warrant Officer [REDACTED]
[REDACTED] USMC of 22 Dec 99

1. Recommend approval of Chief Warrant Officer [REDACTED]'s request for backdating his date of rank.
2. Per the reference, we reviewed Chief Warrant Officer 3 [REDACTED] record. He failed selection on the FY99 USMC Chief Warrant Officer Selection Board and petitioned for consideration by a special selection board which was approved. Subsequently, he was selected to Chief Warrant Officer 3 on the FY00 Board. Chief Warrant Officer [REDACTED] requests backdating his date of rank.
3. Due to the approval of the special selection board and selection on the FY00 Board from the Above Zone, we recommend approval of Chief Warrant Officer [REDACTED] request for backdating his date of rank.
4. POC is [REDACTED] at (703) [REDACTED]

[REDACTED]
Lieutenant Colonel, U.S. Marine Corps
Head, Officer Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

6827-99

IN REPLY REFER TO:

1412/1
MMPR
7 Jan 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ~~ADVISORY OPINION IN THE CASE OF CHIEF WARRANT OFFICER~~
~~USMC~~

1. If Chief Warrant Officer ~~request~~ request for backdating is approved, his date of rank and effective date will be 1 August 1999. This is the date of rank he would have received upon selection from the FY99 USMC Chief Warrant Officer, CW03 Selection Board.

2. Point of contact is ~~(702)~~

By direction